

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ACT, INC.,)
) Case No. 3:18-cv-186
Plaintiff & Counter-Defendant,)
) Judge Travis R. McDonough
v.)
)
WORLDWIDE INTERACTIVE)
NETWORK and TERESA CHASTEEN,)
)
Defendants & Counter-Claimant.)

VERDICT FORM

ACT'S CLAIMS AGAINST WIN AND MS. CHASTEEN

COPYRIGHT INFRINGEMENT

QUESTION NO. 1: Do you find by a preponderance of the evidence that Teresa Chasteen infringed ACT's copyrights in its Skills Definitions through WIN's initial set of "Learning Objectives"?

Yes: _____

No: ✓

Regardless of your answer to Question No. 1, proceed to Question No. 2.

QUESTION NO. 2: Do you find by a preponderance of the evidence that ACT is entitled to damages for infringement of its copyrights through WIN's initial set of "Learning Objectives"?

Yes: _____
No:

If you answered "Yes" to Question No. 2, proceed to Question No. 2(A). If you answered "No" to Question No. 2, skip Question No. 2(A), and proceed to Question 3.

QUESTION NO. 2(A): If you answered "Yes" to Question No. 2, how much do you award ACT in actual damages?

\$ _____

Regardless of your answer to Question No. 2(A), proceed to Question No. 3.

QUESTION NO. 3: Do you find by a preponderance of the evidence that WIN and/or Teresa Chasteen earned profits as a result of infringing on ACT's copyrights in its Skills Definitions in connection with WIN's "Learning Objectives"?

Yes: _____
No:

If you answered "Yes" to Question No. 3, proceed to Question No. 3(A). If you answered "No" to Question No. 3, skip Question No. 3(A), and proceed to Question 4.

QUESTION NO. 3(A): If you answered “Yes” to Question No. 3, what is the amount of WIN and/or Teresa Chasteen’s profits?

WIN’s profits: \$ _____

Chasteen’s profits: \$ _____

Regardless of your answer to Question No. 3(A), proceed to Question No. 4.

QUESTION NO. 4: Do you find by a preponderance of the evidence that WIN infringed ACT’s copyrights in its Skills Definition through WIN’s “Revised Learning Objectives (2020)”?

Yes: _____

No: 

Regardless of your answer to Question No. 4, proceed to Question No. 5.

QUESTION NO. 5: Do you find by a preponderance of the evidence that Teresa Chasteen infringed ACT’s copyrights in its Skills Definition through WIN’s “Revised Learning Objectives (2020)”?

Yes: _____

No: 

If you answered “Yes” to Questions Nos. 4 OR 5, proceed to Question No. 6. If you answered “No” to Questions Nos. 4 AND 5, skip Question No. 6, and proceed to Question No. 7.

QUESTION NO. 6: Do you find by a preponderance of the evidence that ACT is entitled to damages for infringement of its copyrights through WIN's "Revised Learning Objectives (2020)"?

Yes: _____

No: _____

If you answered "Yes" to Question No. 6, proceed to Question No. 6(A). If you answered "No" to Question No. 6, skip Question No. 6(A), and proceed to Question 7.

QUESTION NO. 6(A): If you answered "Yes" to Question No. 6, how much do you award ACT in actual damages?

\$_____

Regardless of your answer to Question No. 6(A), proceed to Question No. 7.

QUESTION NO. 7: Do you find by a preponderance of the evidence that WIN and/or Teresa Chasteen earned profits as a result of infringing on ACT's copyrights in its Skills Definitions in connection with WIN's "Revised Learning Objectives (2020)"?

Yes: _____

No: 

If you answered "Yes" to Question No. 7, proceed to Question No. 7(A). If you answered "No" to Question No. 7, skip Question No. 7(A), and proceed to Question No. 8.

QUESTION NO. 7(A): If you answered “Yes” to Question No. 7, what is the amount of WIN and/or Teresa Chasteen’s profits?

WIN’s profits: \$ _____

Chasteen’s profits: \$ _____

Regardless of your answer to Question No. 7(A), proceed to Question No. 8.

FALSE ADVERTISING

QUESTION NO. 8: Do you find by a preponderance of the evidence that WIN is liable for false advertising?

Yes: 

No: 

Regardless of your answer to Question No. 8, proceed to Question No. 8(A).

QUESTION NO. 8(A): Do you find by a preponderance of the evidence that Teresa Chasteen is liable for false advertising?

Yes:

No: 

If you answered “Yes” to Question No. 8 OR Question No. 8(A), proceed to Questions Nos. 8(B) AND 8(C). If you answered “No” to Question No. 8 AND Question No. 8(A), skip Questions Nos. 8(B) and 8(C), and proceed to Question 9.

QUESTION NO. 8(B): If you marked “Yes” as to Question No. 8 OR Question No. 8(A), how much do you award ACT in damages?

\$ _____

Regardless of your answer to Question No. 8(B), proceed to Question No. 8(C).

QUESTION NO. 8(C): Do you find by a preponderance of the evidence that WIN and/or Teresa Chasteen earned profits as a result of false advertising?

Yes: _____

No: _____

If you answered “Yes” to Question No. 8(C), proceed to Question No. 8(D). If you answered “No” to Question No. 8(C), skip Question No. 8(D), and proceed to Question 9.

QUESTION NO. 8(D): If you answered “Yes” to Question No. 8(C), what is the amount of WIN and/or Teresa Chasteen’s profits?

WIN’s profits: \$ _____

Chasteen’s profits: \$ _____

Regardless of your answer to Question No. 8(D), proceed to Question No. 9.

UNFAIR COMPETITION

QUESTION NO. 9: Do you find by a preponderance of the evidence that “BRONZE,” “SILVER,” “GOLD,” and “PLATINUM” are certification marks?

Yes: _____
No:

If you answered “Yes” to Question No. 9, proceed to Question No. 9(A). If you answered “No” to Question No. 9, skip Questions Nos. 9(A), 9(B), 9(C), 9(D), 9(E), 9(F), and 9(G), and proceed to Question 10.

QUESTION NO. 9(A): Do you find by a preponderance of the evidence that WIN infringed on ACT’s “BRONZE,” “SILVER,” “GOLD,” and “PLATINUM” certification marks?

Yes: _____
No: _____

If you answered “Yes” to Question No. 9(A), proceed to Question No. 9(B). If you answered “No” to Question No. 9(A), skip Question No. 9(B), and proceed to Question 9(C).

QUESTION NO. 9(B): If you answered “Yes” to Question No. 9(A), do you find by a preponderance of the evidence that WIN’s infringement was willful?

Yes: _____
No: _____

Regardless of your answer to Question No. 9(B), proceed to Question No. 9(C).

QUESTION NO. 9(C): Do you find by a preponderance of the evidence that Teresa Chasteen infringed on ACT's "BRONZE," "SILVER," "GOLD," and "PLATINUM" certification marks?

Yes: _____

No: _____

If you answered "Yes" to Question No. 9(C), proceed to Question No. 9(D). If you answered "No" to Question No. 9(C), skip Question No. 9(D), and proceed to Question 9(E).

QUESTION NO. 9(D): If you answered "Yes" to Question No. 9(C), do you find by a preponderance of the evidence that Teresa Chasteen's infringement was willful?

Yes: _____

No: _____

Regardless of your answer to Question No. 9(D), proceed to Question No. 9(E).

QUESTION NO. 9(E): If you marked "Yes" in response to Question No. 9(A) OR Question No. 9(C), how much do you award ACT in damages?

\$ _____

Regardless of your answer to Question No. 9(E), proceed to Question No. 9(F).

QUESTION NO. 9(F): Do you find by a preponderance of the evidence that WIN and/or Teresa Chasteen earned profits as a result of infringing on ACT's certification marks?

Yes: _____

No: _____

If you answered "Yes" to Question No. 9(F), proceed to Question No. 9(G). If you answered "No" to Question No. 9(F), skip Question No. 9(G), and proceed to Question 10.

QUESTION NO. 9(G): If you answered "Yes" to Question No. 9(F), what is the amount of WIN and/or Teresa Chasteen's profits?

WIN's profits: \$ _____

Chasteen's profits: \$ _____

Regardless of your answer to Question No. 9(G), proceed to Question No. 10.

WIN's COUNTERCLAIMS AGAINST ACT

FALSE ADVERTISING

QUESTION NO. 10: Do you find by a preponderance of the evidence that ACT is liable for false advertising?

Yes: ✓

No: _____

If you answered "Yes" to Question No. 10, proceed to Question No. 10(A). If you answered "No" to Question No. 10, skip Question No. 10(A), and proceed to Question No. 11.

QUESTION NO. 10(A): If you marked "Yes" to Question No. 12, how much do you award WIN in damages?

\$ 218,000

Regardless of your answer to Question No. 10(A), proceed to Question No. 11.

INTENTIONAL INTERFERENCE WITH BUSINESS RELATIONSHIPS

QUESTION NO. 11: Do you find by a preponderance of the evidence that ACT is liable for intentional interference with business relationships?

Yes:

No:

If you answered “Yes” to Question No. 11, proceed to Question No. 11(A). If you answered “No” to Question No. 11, skip Question No. 11(A), STOP and have the foreperson sign and date this form on the last page.

QUESTION NO. 11(A): If you marked “Yes” to Question No. 11, how much do you award WIN in damages?

\$ 5,400,000

Regardless of your answer to Question No. 11(A), STOP and have the foreperson sign and date this form on the last page.

Have the foreperson sign and date this form and return it to the court officer.



FOREPERSON

9/9/22

DATE